

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

_____)	
UNITED STATES OF AMERICA)	
<i>ex rel.</i> J. DOUGLAS STRAUSER, <i>et al.</i> ,)	
)	
Plaintiff-Relator,)	
v.)	No. 4:18-cv-00673-GKF-SH
)	
STEPHEN L. LAFRANCE HOLDINGS,)	
INC., <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

DEFENDANTS' MOTION TO FILE UNDER SEAL

In accordance with LCvR5.2-2 of the Local Rules of the United States District Court for the Northern District of Oklahoma and the Agreed Amended Protective Order (Dkt. 262) (Protective Order), Defendants Walgreen Co., Stephen L. LaFrance Holdings, Inc., and Stephen L. LaFrance Pharmacy, Inc., (collectively, Walgreens) and Defendants Arcadia Valley Drug Co., Daleco, Inc., Ellisville Drug Acquisition Co., Jarco Pharmacies, Inc., Stephen LaFrance, Jr., and Jason LaFrance (collectively, the AVDs) (together, Defendants) respectfully move the Court to enter an Order permitting Defendants to file under seal portions of the following exhibit to Defendants' Motion for Summary Judgment (MSJ): Exhibit 1: Expert Report of Don Dietz (including Appendix C to same) (Dietz Report).

In support of this request, Defendants submit that the Dietz Report cites language from a number of contracts between pharmacies affiliated with Defendants and Pharmacy Benefit Managers (PBMs). Those contracts contain confidentiality provisions prohibiting the disclosure of the terms of the contracts, and Defendants designated them as "Confidential" pursuant to the Protective Order (Dkt. 262) when producing them in this case. While Defendants obtained

permission from many PBMs to cite language from their contracts publicly in their filings, Defendants were not able to obtain permission from two PBMs—Humana and ReStat. As a result, Defendants respectfully request that the Court allow Defendants to file under seal the limited instances in which language from these PBM contracts is cited.

Pursuant to Local Rule 5.2-2, Defendants are filing a redacted version of the Dietz Report on the public record as Exhibit 1 to their MSJ, and Defendants are filing an unredacted version under seal.

WHEREFORE, Defendants respectfully request this Court enter an Order permitting portions of Exhibit 1 to their Motion for Summary Judgment to be filed under seal.

DATED this the 12th day of July, 2021.

Respectfully submitted,

/s/ Matthew M. Curley

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CERTIFICATE OF SERVICE

I hereby certify that on July 12, 2021, I electronically filed the foregoing document with the Clerk of the Court using the ECF System, which was served on all counsel of record.

/s/ Matthew M. Curley
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